

RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 96-03157

COUNSEL: NONE

HEARING DESIRED: YES

[REDACTED]

[REDACTED]

Applicant requests that his promotion to the grade of master sergeant be reinstated. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issues involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Ms. Charlene M. Bradley, Mr. Richard A. Peterson, and Mr. Henry Romo, Jr., considered this application on 27 Jan 98 in accordance with the provisions of Air Force Instruction 36-2603 and the governing statute, 10 U.S.C. 1552.


CHARLENE M. BRADLEY
Panel Chair

Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. SAF/MIBR Ltr Forwarding Advisory Opinions



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNELCENTER
RANDOLPH AIR FORCE BASE TEXAS

23 JUN 1997



MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPPWB
550 C Street West, Ste 09
Randolph AFB TX 78150-4711

J Application for correction of M I [REDACTED]

Requested Action. The applicant is requesting his demotion action under the provisions of AFR 39-30 be declared void and his former grade of master sergeant (E-7) be reinstated.

Reason for Request. The applicant believes that he had a medical problem that prevented him from maintaining his weight within the required Air Force standards. Therefore, he believes his demotion from master sergeant to technical sergeant is unjust.

Facts. The applicant was demoted from master sergeant to technical sergeant in Oct 92 based on his failure to maintain his weight within the required Air Force standards.

Discussion. There is limited documentation available in the applicant's records concerning his demotion under the provisions of AFR 39-30. While the applicant believes his demotion was a result of a medical condition, the Medical Consultant to the BCMR has reviewed this case and determined the applicant's failure to maintain his weight was not due to a medical condition and has recommended denial of his request. We defer to their recommendation. However, should the AFBCMR set the demotion aside, effective date and date of rank to master sergeant was 1 Sep 89.

Recommendation. See discussion paragraph above.


TONY R. MERRITT
Chief, Inquiries/BCMR Section
Airman Promotion Branch



9603157

30 May 97
96-03 157

MEMORANDUM FOR AFBCMR

From: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records [REDACTED]

Applicant's entire case file has been reviewed and is forwarded with the following findings, conclusions and recommendations.

REQUESTED ACTION: The applicant retired for length of service on 1 Jun 93 after 20 years, 8 days on active duty. He now applies requesting the records be changed to restore him to rank of Master Sergeant which he lost through inability to maintain weight standards, a problem he feels may relate to later discovery of diabetes.

FACTS: Applicant's record reveals three referral Enlisted Performance Reports (EPRs) in 1986, 1987, and 1991, all noting unsatisfactory progress in the weight management program. He was promoted in 1989, but demoted on 23 Oct 92 after again failing to maintain standards. At the time of his retirement physical examination on 12 Aug 92 (prior to his demotion) he weighed 172 pounds and was 66 inches tall. Weights into the high 180s were found in his records.

Within a year of his retirement (May 1994) he was found to have diabetes which has subsequently required treatment with insulin, thus falling into the Type I (or as he describes it, "childhood" category). He apparently feels this categorization means he had the disease all along, when, in reality, any adult-onset diabetes may convert to Type I depending on severity of the disease, body weight, insulin needs, etc.

DISCUSSION: While no evidence of this disease was found during his 20-year career, he feels he may have had early symptoms, referencing his having drunk "a lot of water" during an acute episode of bronchitis in April 1992 prior to his demotion (Letter of Rebuttal dated 29 May 92). While increased fluid intake can be a sign of diabetes, it is commonly recommended during any febrile illness such as bronchitis as would have likely happened here. With no other references to this polydipsia (literally "many drinks") in his records, and no other findings (such as sugar in the urine) there was no indication that he had diabetes while in the Air Force, and his retirement physical was proper in finding him qualified for worldwide duty or retirement. It is not possible to connect later development of diabetes to his weight problems that surfaced well before his retirement and which were the cause of his demotion.

Review of medical records does not disclose any evidence to support correction of records from length of service retirement to disability retirement or to link his demotion to a nonexistent (at the time) medical condition. Evidence of record and medical examinations prior to retirement indicate the applicant was fit and medically qualified for continued military service, retention or appropriate separation and did not have any physical or mental defects which would have warranted consideration under the provisions of AFR 35-4. Retirement for length of service is proper and in accordance with Air Force directives which implement the law.

9603157

RECOMMENDATION: The Medical Consultant is of the opinion that no change in the records is warranted and the application should be denied.

1/SIGNED 11

FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief, Medical Consultant, BCMR
Medical Advisor SAF Personnel Council



9603157